

Maryland Code/PUBLIC SAFETY/TITLE 9. FIRE PROTECTION AND PREVENTION

TITLE 9. FIRE PROTECTION AND PREVENTION

Subtitle 1. Smoke Detection Systems.

- 9-101. Scope of subtitle.
- 9-102. Installation of smoke detectors required.
- 9-103. Construction of new residential dwelling units.
- 9-104. General requirements for smoke detectors.
- 9-105. Sale and installation of smoke detectors.
- 9-106. Sprinkler systems.
- 9-107. Property insurance claims.
- 9-108. Smoke detection installation order.
- 9-109. Violation of subtitle.

Subtitle 2. Sprinkler Systems.

- 9-201. Definitions.
- 9-202. Effect of subtitle.
- 9-203. Enforcement of subtitle.
- 9-204. Installation of sprinkler systems required.
- 9-205. Authority to grant exceptions.
- 9-206. Violation of subtitle.

Subtitle 3. Fast Response Residential Fire Sprinkler Systems.

- 9-301. Scope of subtitle.
- 9-302. Enforcement of subtitle.
- 9-303. Installation of system required.
- 9-304. Requirements for systems.
- 9-305. Cost of installation considered.
- 9-306. Penalty for violation of subtitle.

Subtitle 4. High-Rise Building Safety in Case of Fire.

- 9-401. Definitions.
- 9-402. Purpose of subtitle; legislative findings.
- 9-403. Automatic sprinkler system required.
- 9-404. Appeal of orders for compliance.

Subtitle 5. Evacuation Procedures in Case of Fire.

- 9-501. Scope of subtitle.
- 9-502. Posting of fire safety information in hotels, motels, and lodging houses.
- 9-503. Automatic fire extinguishing systems in specified buildings.
- 9-504. Symbols to identify dwellings of occupants needing evacuation assistance.
- 9-505. Alternative requirements for acute care hospitals.
- 9-506. Penalties for violation of subtitle or regulation.

Subtitle 6. Disclosure of Fire Loss Investigation Reports.

- 9-601. Definitions.
- 9-602. Disclosure of information by insurer - In general.
- 9-603. Same - Fire loss caused by incendiary means.
- 9-604. Confidentiality of information.
- 9-605. Immunity from criminal prosecution and civil liability.
- 9-606. Prohibited acts; penalty.

Subtitle 7. Fire Prevention Codes of Counties and Municipal Corporations.

- 9-701. Authority of counties and municipal corporations to adopt fire prevention codes.
- 9-702. Inspections and plan review.

Subtitle 8. Fire Inspections by Fire Departments of Counties and Municipal Corporations.

- 9-801. Definitions.
- 9-802. Scope of subtitle.
- 9-803. Fire inspections authorized.
- 9-804. Notice to occupant to remove combustible material.
- 9-805. Hindering, obstructing, or refusing to allow fire inspection.

Subtitle 9. Fire Sprinkler Contractors.

- 9-901. "Fire sprinkler contractor" defined.
- 9-902. Program to license fire sprinkler contractors.
- 9-903. Fire sprinkler contractor license required.
- 9-904. Duties of State Fire Marshal.
- 9-905. Violation of subtitle.

Subtitle 10. Miscellaneous Provisions.

9-1001. Restrictions on use of barbecue grill.

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SUBTITLE 1. SMOKE DETECTION SYSTEMS

§ 9-101. Scope of subtitle.

(a) Applicability in Baltimore City.-

- (1) Notwithstanding any other provision of this article, this subtitle applies in Baltimore City.
- (2) In Baltimore City, the Baltimore City fire department shall enforce this subtitle.
- (3) In Baltimore City, appeals concerning this subtitle shall be made to the Baltimore City fire board.

(b) Effect of subtitle.- This subtitle does not affect a public local law or regulation that existed on July 1, 1982, that required smoke detectors in occupancies with less than ten dwelling units.

[An. Code 1957, art. 38A, § 12A(l), (m); 2003, ch. 5, § 2.]

§ 9-102. Installation of smoke detectors required.

(a) In general.-

- (1) Each sleeping area within each occupancy classified residential, as defined in the most recent edition of the National Fire Protection Association Life Safety Code adopted by the State Fire Prevention Commission, shall be equipped with at least one approved smoke detector that:
 - (i) senses visible or invisible particles of combustion; and
 - (ii) is installed in a manner and location approved by the State Fire Prevention Commission.
- (2) When activated, the smoke detector shall provide an alarm suitable to warn the occupants.

(b) Landlords and tenants.-

- (1) The landlord shall install smoke detectors as required under subsection (a) of this section.
- (2) On written notification by certified mail by the tenant or on notification in person by the tenant, the landlord shall repair or replace the smoke detector.
- (3) If the tenant personally notifies the landlord of the failure of a smoke detector, the landlord shall provide a written receipt acknowledging the notification.
- (4) A tenant may not remove a smoke detector or render a smoke detector inoperative.
- (5) Except for hotels or motels, a landlord may require a refundable deposit for a smoke detector not exceeding the value of the smoke detector.
- (6) On written request of a tenant who is deaf or hearing impaired, the landlord shall provide a smoke detector that, when activated, provides a signal that:

- (i) is approved by a nationally recognized testing laboratory for electrical appliances; and
- (ii) is sufficient to warn the deaf or hearing impaired tenant.

(c) Hotels and motels.-

- (1) Regardless of the number of units, each hotel or motel shall have available at least one smoke detector for the deaf or hearing impaired for each 50 units or fraction of 50 units.
- (2) The hotel or motel may require a refundable deposit for a portable smoke detector not exceeding the value of the smoke detector.
- (3) The hotel or motel shall post in a conspicuous place at the registration desk a permanent sign that states the availability of smoke detectors for the deaf or hearing impaired.

(d) Residential dwellings.- On or before July 1, 1982, an occupant of a one, two, or three family residential dwelling constructed before July 1, 1975, shall:

- (1) equip each occupant's living unit with at least one approved battery or alternating current (AC) primary electric powered smoke detector; and
- (2) maintain the smoke detector.

[An. Code 1957, art. 38A, § 12A(a)(1), (3), (4), (b); 2003, ch. 5, § 2.]

§ 9-103. Construction of new residential dwelling units.

(a) Minimum number of smoke detectors.- At least one smoke detector shall be installed on each level, including a basement but excluding an attic, of each new residential dwelling unit:

- (1) that contains alternating current (AC) electrical service;
- (2) that is classified residential, as defined in the most recent edition of the National Fire Protection Association Life Safety Code adopted by the State Fire Prevention Commission; and
- (3) for which a building permit is issued for new construction on or after January 1, 1989.

(b) Activation of multiple smoke detectors.- If two or more smoke detectors are required under subsection (a) of this section, the smoke detectors shall be of a type and installed in a manner so that activation of one smoke detector causes activation of all other required smoke detectors in the residential dwelling unit.

(c) Operation by battery and electric power.- A smoke detector required under this subtitle shall operate both by battery and on an alternating current (AC) primary source of electric power if the smoke detector is installed in a new residential dwelling unit:

- (1) that contains alternating current (AC) electrical service;
- (2) that is designed to be occupied by one or more families; and
- (3) for which a building permit is issued for new construction on or after July 1, 1990.

(d) Enforcement of section; enactment of more stringent laws.- This section:

- (1) may be enforced by a county fire chief, fire administrator, or municipal fire chief; and
- (2) does not prevent a county from enacting more stringent laws that relate to smoke detectors.

[An. Code 1957, art. 38A, § 12A(n)-(q); 2003, ch. 5, § 2.]

§ 9-104. General requirements for smoke detectors.

(a) Alternating current primary source of electric power; exceptions.-

- (1) Except as provided in paragraph (2) of this subsection and § 9-102(d) of this subtitle, smoke detection systems shall operate on an alternating current (AC) primary source of electric power.
- (2) Smoke detection systems may operate on approved power supplies other than an alternating current (AC) primary source of electric power if:
 - (i) the power supply is approved by the State Fire Prevention Commission; and
 - (ii) it is clearly evident that reasonable safety is secured.

(b) Lineal or square footage allowances.- Each approved smoke detector shall be installed so as not to exceed the lineal or square footage allowances specified for the smoke detector, based on the generally accepted test standards under which the smoke detector was tested and approved.

(c) Approval and use.- Smoke detection systems, including specialized smoke detectors for the deaf and hearing impaired, shall be approved for the particular system and shall only be used for detection and signaling in the event of fire.

(d) Leases for residential dwelling units.- Each lease for an existing residential dwelling unit that contains alternating current (AC) electric service shall contain a disclosure in 10-point bold type that states: "This residential dwelling unit contains alternating current (AC) electric service. In the event of a power outage, an alternating current (AC) powered smoke detector will not provide an alarm. Therefore, the occupant should obtain a dual powered smoke detector or a battery powered smoke detector."

[An. Code 1957, art. 38A, § 12A(e)-(h), (r); 2003, ch. 5, § 2.]

§ 9-105. Sale and installation of smoke detectors.

(a) Compliance with State Fire Prevention Code.- A person may sell or install a smoke detection system or specialized smoke detectors for the deaf and hearing impaired only in accordance with the State Fire Prevention Code.

(b) Manufacturers to obtain approval.-

(1) Each manufacturer commercially selling or offering for sale smoke detection systems in the State shall obtain approval of each model of smoke detector from the State Fire Marshal.

(2) An application for approval of each model of smoke detector shall be:

- (i) submitted in the manner required by the State Fire Marshal; and
- (ii) accompanied by a fee of \$25.

[An. Code 1957, art. 38A, § 12A(i), (j); 2003, ch. 5, § 2.]

§ 9-106. Sprinkler systems.

(a) In general.- If approved by the State Fire Prevention Commission, an approved automatic fire sprinkler system may be installed instead of a smoke detection system.

(b) Effect on other requirements.- Installing an approved automatic fire sprinkler system does not nullify the other requirements of the State Fire Prevention Code or exempt an occupancy from other requirements that are clearly applicable under the State Fire Prevention Code.

[An. Code 1957, art. 38A, § 12A(k); 2003, ch. 5, § 2.]

§ 9-107. Property insurance claims.

Failure to comply with this subtitle may not be used as a policy defense in the settlement of a property insurance claim.

[An. Code 1957, art. 38A, § 12A(d); 2003, ch. 5, § 2.]

§ 9-108. Smoke detection installation order.

(a) In general.- If after investigating a fire in a one, two, or three family residential dwelling the State Fire Marshal or local investigating authority finds the absence of required smoke detectors, the State Fire Marshal or local investigating authority shall issue to the occupant a smoke detection installation order.

(b) Failure to comply with order.- A person may not fail to comply with a smoke detection installation order within 15 days of reoccupancy.

(c) Penalty.-

(1) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

(2) The penalty provision of § 9-109 of this subtitle does not apply to this section.

[An. Code 1957, art. 38A, § 12A(c); 2003, ch. 5, § 2.]

§ 9-109. Violation of subtitle.

(a) Prohibited.- A person may not knowingly violate this subtitle.

(b) Penalty.- A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 days or a fine not exceeding \$1,000 or both.

[An. Code 1957, art. 38A, § 13(a); 2003, ch. 5, § 2.]

SUBTITLE 2. SPRINKLER SYSTEMS

§ 9-201. Definitions.

(a) In general.- In this subtitle the following words have the meanings indicated.

Revisor's Note.

This subsection formerly was Art. 38A, § 12B(a)(1).

The reference to this "subtitle" is substituted for the former reference to this "section" to reflect the reorganization of former § 12B as a subtitle in this revision.

No other changes are made.

(b) Dormitory.-

(1) "Dormitory" means a building or space in a building that:

(i) is under joint occupancy and single management; and

(ii) provides group sleeping accommodations:

1. with or without meals, but without individual cooking facilities;

2. for more than 16 individuals who are not members of the same family group; and

3. in one room or in a series of closely associated rooms.

(2) "Dormitory" includes a school dormitory, fraternity house, and military barracks.

Revisor's Note.

This subsection formerly was Art. 38A, § 12B(a)(2).

The only changes are in style.

(c) Dwelling unit.- "Dwelling unit" means a single unit that:

(1) provides complete, independent living facilities for one or more individuals; and

(2) contains permanent provisions for living, sleeping, eating, cooking, and sanitation.

Revisor's Note.

This subsection formerly was Art. 38A, § 12B(a)(3).

In item (2) of this subsection, the word "contains" is substituted for the former word "includ[es]" for clarity.

The only other changes are in style.

(d) Hotel.-

- (1) "Hotel" means a building or group of buildings that:
 - (i) is under the same management;
 - (ii) contains more than 16 sleeping accommodations for hire; and
 - (iii) is used primarily by transients who are lodged with or without meals.
- (2) "Hotel" includes an inn, motel, club, and apartment hotel.

Revisor's Note.

This subsection formerly was Art. 38A, § 12B(a)(4).

The only changes are in style.

(e) Lodging or rooming house.-

- (1) "Lodging or rooming house" means a building:
 - (i) in which separate sleeping rooms are rented; and
 - (ii) that provides sleeping accommodations:
 1. for 16 or fewer individuals;
 2. on either a transient or permanent basis; and
 3. with or without meals, but without individual cooking facilities.
- (2) "Lodging or rooming house" includes an inn, club, and bed and breakfast establishment.

Revisor's Note.

This subsection formerly was Art. 38A, § 12B(a)(5).

In paragraph (1)(ii)3 of this subsection, the phrase "without individual cooking facilities" is substituted for the former phrase "without separate cooking facilities for individual occupants" to conform to subsection (b)(1)(ii)1 of this section.

The only other changes are in style.

(f) Multifamily residential dwelling.-

- (1) "Multifamily residential dwelling" means a building or part of a building that:
 - (i) contains more than two dwelling units; and
 - (ii) is not classified as a one or two family dwelling.
- (2) "Multifamily residential dwelling" does not include a town house.

Revisor's Note.

This subsection formerly was Art. 38A, § 12B(a)(6).

The only changes are in style.

(g) Public water system.-

- (1) "Public water system" means a system that:
 - (i) provides the public with piped water for human consumption; and
 - (ii) has at least 15 service connections or regularly serves at least 25 individuals.
- (2) "Public water system" includes:
 - (i) a collection, treatment, storage, or distribution facility that is under the control of the operator of the system and is used primarily in connection with the system; and
 - (ii) a collection or pretreatment storage facility that is not under the control of the operator of the system and is used primarily in connection with the system.

Revisor's Note.

This subsection formerly was Art. 38A, § 12B(a)(7).

The only changes are in style.

(h) Sprinkler system.- "Sprinkler system" means a device that:

- (1) opens automatically by operation of a heat responsive releasing mechanism;
- (2) discharges water in a specific pattern over a designated area to extinguish or control fire; and
- (3) uses the same service water supply pipe to the dwelling unit that the public water system uses.

Revisor's Note.

This subsection formerly was Art. 38A, § 12B(a)(8)(i), (ii), and (iii).

The only changes are in style.

(i) Town house.- "Town house" means a single family dwelling unit that is constructed in a horizontal series of attached units with property lines separating the units.

Revisor's Note.

This subsection formerly was Art. 38A, § 12B(a)(9).

The only changes are in style.

[An. Code 1957, art. 38A, § 12B(a)(1)-(7), (8)(i)-(iii), (9); 2003, ch. 5, § 2.]

SPRINKLER SYSTEMS/§ 9-202. Effect of subtitle.

§ 9-202. Effect of subtitle.

(a) Adoption of more stringent standards.- Except as provided in subsection (b) of this section, this subtitle does not preclude a local jurisdiction from adopting more stringent standards to govern the installation of sprinkler systems in new construction.

(b) Exception.- Industrialized buildings under the authority of the Department of Housing and Community Development in accordance with Title 12, Subtitle 3 of this article shall comply with the standard for the installation of sprinkler systems in residential occupancies as adopted in the regulations of the State Fire Prevention Commission.

[An. Code 1957, art. 38A, § 12B(d); 2003, ch. 5, § 2.]

§ 9-203. Enforcement of subtitle.

The State Fire Marshal or a local or State authority with jurisdiction over the enforcement of fire and building codes may enforce this subtitle.

[An. Code 1957, art. 38A, § 12B(e); 2003, ch. 5, § 2.]

§ 9-204. Installation of sprinkler systems required.

(a) Standards for sprinkler systems.- Each sprinkler system required under this section shall:

- (1) be installed in accordance with accepted engineering practices that meet the standard for the installation of sprinkler systems in residential occupancies under the regulations of the State Fire Prevention Commission or the local authority with jurisdiction over the enforcement of fire and building codes;
- (2) meet the requirements of the current National Fire Protection Association standards; and
- (3) be approved by the State Fire Marshal or the local authority with jurisdiction over the enforcement of fire codes.

(b) Buildings in which sprinkler systems required.-

(1) In a jurisdiction in which building permits are issued, a sprinkler system shall be installed in:

- (i) each newly constructed dormitory, hotel, lodging or rooming house, or multifamily residential dwelling for which the initial building permit is issued on or after July 1, 1990; and
- (ii) each newly constructed town house for which the initial building permit is issued on or after July 1, 1992.

(2) In a jurisdiction in which building permits are not issued, a sprinkler system shall be installed in:

- (i) each dormitory, hotel, lodging or rooming house, or multifamily residential dwelling on which construction begins on or after July 1, 1990; and
- (ii) each town house on which construction begins on or after July 1, 1992.

(c) Exception.- If a dwelling unit is not serviced by a public water system, subsections (a) and (b) of this section do not apply.

[An. Code 1957, art. 38A, § 12B(a)(8)(iv), (v), (b); 2003, ch. 5, § 2.]

§ 9-205. Authority to grant exceptions.

(a) In general.- Except as provided in subsection (b) of this section, if there is clear evidence that an exception will not adversely affect the fire safety of a building or its occupants, the State Fire Marshal or a local authority with jurisdiction over the enforcement of fire and building codes may grant an exception to:

(1) a requirement of a State or local fire and building code if a sprinkler system is installed in a building as required by this subtitle;

or

(2) the sprinkler system requirement of this subtitle if, on or before June 30, 1990:

(i) the local authority gave approval to a construction plan for a dormitory, hotel, lodging or rooming house, multifamily residential unit, or town house; and

(ii) the approved plan did not include the installation of a sprinkler system as required by this subtitle.

(b) Smoke detectors.- The State Fire Marshal or a local authority may not grant an exception under this section to a smoke detector requirement.

[An. Code 1957, art. 38A, § 12B(c); 2003, ch. 5, § 2.]

§ 9-206. Violation of subtitle.

(a) Prohibited.- A person may not knowingly violate this subtitle.

(b) Penalty.- A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 days or a fine not exceeding \$1,000 or both.

[An. Code 1957, art. 38A, § 13(a); 2003, ch. 5, § 2.]

SUBTITLE 3. FAST RESPONSE RESIDENTIAL FIRE SPRINKLER SYSTEMS

§ 9-301. Scope of subtitle.

(a) Effect on fire safety laws.- This subtitle:

(1) is in addition to any existing fire safety laws; and

(2) does not limit the authority of the State Fire Prevention Commission or State Fire Marshal to act under existing fire safety laws.

(b) Exceptions to subtitle.- If there is clear evidence that equivalent protection of human life will be provided as required by this subtitle, exceptions to this subtitle may be made by:

- (1) the State Fire Prevention Commission;
- (2) the State Fire Marshal;
- (3) a county fire chief;
- (4) a fire administrator with responsibility for code enforcement; and
- (5) in Baltimore City, the Board of Fire Commissioners or the Chief of the Fire Department.

(c) Enactment of more stringent laws.- This subtitle does not prevent a county or municipal corporation from enacting more stringent laws to govern the installation of fire sprinkler systems.

[An. Code 1957, art. 38A, § 47(d), (e), (i); 2003, ch. 5, § 2.]

§ 9-302. Enforcement of subtitle.

A county fire chief, fire administrator, or municipal fire chief may enforce this subtitle.

[An. Code 1957, art. 38A, § 47(f); 2003, ch. 5, § 2.]

§ 9-303. Installation of system required.

(a) In general.- Except as provided in subsection (b) of this section, each hotel or motel with 10 or more units for which a contract for construction is executed after July 1, 1989, shall have installed a fast response residential fire sprinkler system that is intended:

- (1) to detect and control a fire automatically;
- (2) to provide improved protection against injury, loss of life, and property damage;
- (3) to maintain survivable conditions in the room of fire origin; and
- (4) to improve the chance for occupants to escape or be evacuated.

(b) Exception.- A hotel or motel need not install a fast response residential fire sprinkler system if:

- (1) the hotel or motel is a one or two story building; and
- (2) all occupants are able to exit directly to the exterior of the building and not only to a central corridor through an approved exit door, as those terms are used in the most recent edition of the National Fire Protection Association Life Safety Code adopted by the State Fire Prevention Commission.

[An. Code 1957, art. 38A, § 47(a), (b); 2003, ch. 5, § 2.]

§ 9-304. Requirements for systems.

Each fast response residential fire sprinkler system installed shall:

- (1) be designed and constructed in accordance with accepted engineering practices; and
- (2) comply with standards and regulations developed and adopted by:
 - (i) the State Fire Prevention Commission;
 - (ii) a county fire chief;
 - (iii) a fire administrator with responsibility for code enforcement; or
 - (iv) in Baltimore City, the Chief of the Fire Department.

[An. Code 1957, art. 38A, § 47(c); 2003, ch. 5, § 2.]

§ 9-305. Cost of installation considered.

When evaluating and approving a builder's overall site development and construction plans, the cost of the builder's installation of fast response residential fire sprinkler systems shall be considered by:

- (1) local building officials;
- (2) local fire chiefs;
- (3) the State Fire Prevention Commission;
- (4) the State Fire Marshal;
- (5) fire administrators with responsibility for code enforcement; and
- (6) in Baltimore City, the Chief of the Fire Department.

[An. Code 1957, art. 38A, § 47(h); 2003, ch. 5, § 2.]

§ 9-306. Penalty for violation of subtitle.

A person who violates this subtitle is subject to the penalty provided in § 6-601 of this article.

[An. Code 1957, art. 38A, § 47(g); 2003, ch. 5, § 2.]

SUBTITLE 4. HIGH-RISE BUILDING SAFETY IN CASE OF FIRE

§ 9-401. Definitions.

(a) In general. - In this subtitle the following words have the meanings indicated.

Revisor's Note.

This subsection is new language derived without substantive change from the introductory language of former Art. 38A, § 49.

The former limitation, "unless the context otherwise requires", is deleted as an unnecessary statement of a standard rule of statutory construction that applies to all definitions.

(b) High-rise building.-

- (1) "High-rise building" means a building for human occupancy that is:
 - (i) four or more stories above grade level; or
 - (ii) over 45 feet in height.
- (2) "High-rise building" does not include:
 - (i) a structure or building used exclusively for open air parking; or
 - (ii) a building used exclusively for agricultural purposes.

Revisor's Note.

This subsection is new language derived without substantive change from the first and last sentences of former Art. 38A, § 49(1).

In paragraph (2)(i) of this subsection, the former phrase "wherever located" is deleted as surplusage.

(c) Local fire department.- "Local fire department" means a career or volunteer fire department.

Revisor's Note.

This subsection is new language derived without substantive change from former Art. 38A, § 49(3).

The reference to a "career" fire department is substituted for the former reference to a "full-time" fire department for consistency with terminology used throughout this article.

(d) Public way.- "Public way" means a paved thoroughfare over 21 feet in width that:

- (1) is located on privately owned and privately maintained property but is designated for public use; or
- (2) is publicly owned and publicly maintained.

Revisor's Note.

This subsection is new language derived without substantive change from the first sentence of former Art. 38A, § 49(2), except as it related to a public way being accessible to the fire department.

[An. Code 1957, art. 38A, § 49; 2003, ch. 5, § 2.]

§ 9-402. Purpose of subtitle; legislative findings.

(a) Purpose of subtitle.- The purpose of this subtitle is to provide for the physical safety and protection of property of occupants of high-rise buildings in case of fire.

(b) Legislative findings.-

- (1) Without adequate protection, residents of high-rise buildings are dependent on descending multiple flights of steps or jumping from windows when a fire occurs.
- (2) For many elderly residents of high-rise buildings, this is physically impossible.
- (3) Most fire fighting and rescue operations are also conducted inside the high-rise building, where there are greater obstacles to rescuing occupants and controlling and extinguishing the fire.
- (4) Many tragedies could be avoided by installation of automatic fire extinguishing equipment in these situations, usually at no great additional cost to builders.

[An. Code 1957, art. 38A, § 48; 2003, ch. 5, § 2.]

§ 9-403. Automatic sprinkler system required.

(a) In general.- Each high-rise building constructed after July 1, 1974, shall be protected by a complete automatic sprinkler system installed in accordance with accepted engineering practices as approved by the authority with jurisdiction.

(b) Exception.-

- (1) This section does not apply to a building that is less than 75 feet in height above grade level if:
 - (i) the local fire department has at least one approved first line piece of aerial equipment that is capable of reaching the roof of the building; and
 - (ii) accessibility to the building is provided on two sides of the perimeter of the building by a public way that is:
 1. kept accessible at all times to the local fire department; and
 2. close enough to the building to allow the fire department aerial equipment to reach 75 feet in height.
- (2) For purposes of this subsection, height above grade level shall be determined by using the lowest elevation of the public way as a reference datum.

[An. Code 1957, art. 38A, §§ 49(1)(i)-(iii), (2), 50(a); 2003, ch. 5, § 2.]

§ 9-404. Appeal of orders for compliance.

(a) Appeal to State Fire Prevention Commission.- An order for compliance with the requirements of § 9-403 of this subtitle that is issued in accordance with the authority granted under Title 6, Subtitle 3 of this article may be appealed to the State Fire Prevention Commission.

(b) Appeal to local authority.- An order for compliance with the requirements of § 9-403 of this subtitle that is issued in accordance with the authority granted by a local law, ordinance, or regulation may be appealed as provided by law, ordinance, or regulation of the local jurisdiction.

[An. Code 1957, art. 38A, § 50(b), (c); 2003, ch. 5, § 2.]

SUBTITLE 5. EVACUATION PROCEDURES IN CASE OF FIRE

§ 9-501. Scope of subtitle.

(a) In general.- This subtitle does not apply to Washington County.

(b) Effect on fire safety laws.- This subtitle:

- (1) is in addition to any existing fire safety laws; and
- (2) does not limit the authority of the State Fire Prevention Commission or State Fire Marshal to act under existing fire safety laws.

[An. Code 1957, art. 38A, §§ 54(b), 55(c); 2003, ch. 5, § 2.]

§ 9-502. Posting of fire safety information in hotels, motels, and lodging houses.

Each hotel, motel, and lodging house shall post in a prominent place in each guest room a notice that states:

- (1) the location of the nearest exits and fire pull stations;
- (2) the procedures to be followed if the fire or smoke detector gives warning signals; and
- (3) the procedures to be followed if fire or smoke develops.

[An. Code 1957, art. 38A, § 53A(a); 2003, ch. 5, § 2.]

§ 9-503. Automatic fire extinguishing systems in specified buildings.

(a) Required.- Each building constructed after July 1, 1977, that is intended to house 50 or more occupants who, because of age, blindness, disability, or physical or mental illness, are unable to evacuate the building without assistance in case of fire, shall be protected throughout the entire building by a system that is:

- (1) designed to detect and extinguish a fire automatically while sounding an alarm; and

(2) installed in accordance with accepted engineering practices approved by the authority with jurisdiction.

(b) Appeal of orders for compliance.-

(1) An order for compliance with the requirements of this section that is issued in accordance with the authority granted under Title 6, Subtitle 3 of this article may be appealed to the State Fire Prevention Commission.

(2) An order for compliance with the requirements of this section that is issued in accordance with the authority granted by a local law, ordinance, or regulation may be appealed as provided by law, ordinance, or regulation of the local jurisdiction.

[An. Code 1957, art. 38A, §§ 53(b), (c), 54(a), (c); 2003, ch. 5, § 2.]

§ 9-504. Symbols to identify dwellings of occupants needing evacuation assistance.

(a) Development of program required.- The State Fire Prevention Commission shall develop a program to identify by the display of a sign, sticker, or other appropriate symbol, the dwellings of occupants who, because of age, blindness, disability, or physical or mental illness, are unable to evacuate the building without assistance in case of fire.

(b) Adoption of regulations required.- The Commission shall adopt regulations to govern the distribution and use of the symbols described in subsection (a) of this section.

[An. Code 1957, art. 38A, §§ 53(b), 55A(a), (b); 2003, ch. 5, § 2.]

§ 9-505. Alternative requirements for acute care hospitals.

Alternative and equivalent fire and safety requirements are allowed in acute care hospitals in accordance with current nationally recognized codes and standards adopted by the appropriate authority with jurisdiction.

[An. Code 1957, art. 38A, § 55(b); 2003, ch. 5, § 2.]

§ 9-506. Penalties for violation of subtitle or regulation.

(a) In general.- A person who violates this subtitle is subject to the penalties provided in § 6-601 of this article.

(b) Hotels, motels, and lodging houses.- A hotel, motel, or lodging house that violates a regulation adopted by the State Fire Prevention Commission is subject to the penalties provided in § 6-601 of this article.

[An. Code 1957, art. 38A, §§ 53A(b), 55(a); 2003, ch. 5, § 2.]

SUBTITLE 6. DISCLOSURE OF FIRE LOSS INVESTIGATION REPORTS

§ 9-601. Definitions.

(a) In general.- In this subtitle the following words have the meanings indicated.

Revisor's Note.

This subsection formerly was Art. 38A, § 56(a). The only changes are in style.

(b) Fire investigator.-

(1) "Fire investigator" means an official of the State, a county, or a municipal corporation who is legally designated to have legal responsibility for investigating fires and suppressing arson.

(2) "Fire investigator" includes a fire marshal.

Revisor's Note.

This subsection is new language derived without substantive change from former Art. 38A, § 56(b).

In paragraph (2) of this subsection, the former reference to a "fire investigator" is deleted to avoid using the term being defined in its own definition.

(c) Insurer.- "Insurer" means a person licensed or established by the State to insure property of any kind.

Revisor's Note.

This subsection is new language derived without substantive change from former Art. 38A, § 56(c).

The reference to an "[i]nsurer" is substituted for the former reference to an "[i]nsurance company" for consistency with the terminology used in the Insurance Article.

[An. Code 1957, art. 38A, § 56; 2003, ch. 5, § 2.]

§ 9-602. Disclosure of information by insurer - In general.

On request of a fire investigator, an insurer investigating a fire loss of real or personal property shall cooperate with and release to the fire investigator any information it has about the fire loss, including:

- (1) each insurance policy and application for the policy relevant to the fire loss;
- (2) policy premium payment records;
- (3) previous claims made by the insured for fire loss; and
- (4) material that relates to the investigation of the fire loss, proof of loss, and any other relevant evidence.

[An. Code 1957, art. 38A, § 57(a); 2003, ch. 5, § 2.]

§ 9-603. Same - Fire loss caused by incendiary means.

If an insurer has reason to suspect that a fire loss to real or personal property of the insured was caused by incendiary means, the insurer shall:

- (1) notify the fire investigator;
- (2) provide the fire investigator with all relevant material acquired during the insurer's investigation of the fire loss;
- (3) cooperate with and take any action requested by the fire investigator; and
- (4) allow a person, on court order, to inspect any of the insurer's records that relate to the policy and the fire loss.

[An. Code 1957, art. 38A, § 57(c); 2003, ch. 5, § 2.]

§ 9-604. Confidentiality of information.

A fire investigator who receives information under this subtitle shall keep the information confidential until the release of the information is required in accordance with a civil or criminal proceeding.

[An. Code 1957, art. 38A, § 57(b); 2003, ch. 5, § 2.]

§ 9-605. Immunity from criminal prosecution and civil liability.

(a) Criminal prosecution.- In the absence of fraud, an insurer or person who provides information on its behalf is not subject to criminal prosecution for an oral or written statement made or other action taken that is necessary to provide information required under this subtitle.

(b) Civil liability.- An insurer or person who provides information on its behalf has the immunity from liability described in § 5-409 of the Courts Article.

[An. Code 1957, art. 38A, § 57(d); 2003, ch. 5, § 2.]

§ 9-606. Prohibited acts; penalty.

(a) Prohibited acts.- A person may not purposely:

- (1) refuse to release information that a fire investigator requests under § 9-602 of this subtitle;
- (2) refuse to report a fire loss to a fire investigator under §§ 9-602 and 9-603 of this subtitle;
- (3) refuse to provide a fire investigator with relevant information required to be provided under §§ 9-602 and 9-603 of this subtitle; or
- (4) fail to keep information confidential as required under § 9-604 of this subtitle.

(b) Penalty.- A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10

days or a fine not exceeding \$1,000 or both.

[An. Code 1957, art. 38A, § 57(e), (f); 2003, ch. 5, § 2.]

SUBTITLE 7. FIRE PREVENTION CODES OF COUNTIES AND MUNICIPAL CORPORATIONS

§ 9-701. Authority of counties and municipal corporations to adopt fire prevention codes.

(a) In general.- Subject to subsection (e) of this section, the local governing body of each county and the legislative body of each municipal corporation in the State may adopt by ordinance or resolution a fire prevention code to:

- (1) provide for protection against fires and the removal of fire hazards;
- (2) provide for the appointment of inspectors to enforce the fire prevention code; and
- (3) establish penalties for violation of the fire prevention code or an ordinance, resolution, or regulation for the prevention of fires or removal of fire hazards.

(b) Incorporation by reference of standard or model codes.-

(1) Subject to paragraph (2) of this subsection, a fire prevention code of a county or municipal corporation adopted under this section may incorporate by reference a code or part of a code prepared by a governmental unit or a trade or professional association for general distribution in printed form as a standard or model on any subject that relates to fire prevention, fire hazards, or flammable or dangerous substances.

(2) An amendment to a standard or model code described in paragraph (1) of this subsection is not effective until specifically incorporated into the fire prevention code of the county or municipal corporation.

(c) Publication; public hearing.-

(1) Except as provided in subsection (e) of this section, the local governing body of a county or legislative body of a municipal corporation may not adopt a fire prevention code under this section until a summary of the proposal is published for at least 3 weeks in one or more newspapers of general circulation in the county or municipal corporation.

(2) The summary shall specify the date for a public hearing on the proposal and shall state that copies of the proposal may be obtained on application to:

- (i) for a county fire prevention code, the administrative officer of the county; or
- (ii) for a municipal fire prevention code, the clerk of the municipal corporation.

(d) Application of county codes within municipal corporations.- Except as provided in subsection (e) of this section, a fire prevention code adopted by a county under this section does not apply within a municipal corporation that has adopted a fire prevention code after the effective date of the adoption of the fire prevention code by the municipal corporation.

(e) Frederick County.-

- (1) This subsection applies only to Frederick County.
- (2) The summary of the fire prevention code required to be published under subsection (c) of this section shall be published in one or more newspapers of general circulation in the county at least 2 weeks before the adoption of the fire prevention code by the county.
- (3) A copy of the fire prevention code proposed for adoption under this section may be obtained on application to the administrative officer of the county.

[An. Code 1957, art. 23A, § 6(a); art. 25, § 11; 2003, ch. 5, § 2.]

§ 9-702. Inspections and plan review.

(a) "Plan review" defined.- In this section, "plan review" has the meaning stated in § 6-308 of this article.

(b) Scope of section.-

- (1) This section applies only to:
 - (i) a county that has adopted a comprehensive nationally recognized fire prevention code as the fire prevention code of the county; or
 - (ii) a municipal corporation that has adopted a comprehensive nationally recognized fire prevention code as the fire prevention code of the municipal corporation.
- (2) This section does not apply to an inspection or plan review that is not within the jurisdiction of or is not conducted by:
 - (i) the county fire prevention bureau or office of county fire marshal; or
 - (ii) the municipal fire prevention bureau or office of municipal fire marshal.

(c) Fees and fee schedules.-

- (1) To ensure compliance with the fire prevention code of the county or municipal corporation, the local governing body of the county or legislative body of the municipal corporation may adopt ordinances or regulations to establish and administer a fee schedule for conducting inspections and plan reviews.
- (2)
 - (i) The county fire prevention bureau shall:
 1. collect the fees established by the local governing body of the county for conducting inspections;
 2. keep records of all fees collected under this section; and
 3. pay all moneys collected under this section into the general fund of the county.

- (ii) The municipal fire prevention bureau shall:
 1. collect the fees established by the legislative body of the municipal corporation for conducting inspections;
 2. keep records of all fees collected under this section; and
 3. pay all moneys collected under this section into the general fund of the municipal corporation.
- (3) To ensure that the moneys collected at least cover the costs of conducting inspections and plan reviews, the fee schedule adopted under this section shall be reviewed annually by:
 - (i) for a county, the local governing body of the county and the chief fiscal officer of the county; and
 - (ii) for a municipal corporation, the legislative body of the municipal corporation and the chief fiscal officer of the municipal corporation.

(d) Plan review.-

- (1) Plans shall be submitted to the county fire prevention bureau and to the municipal fire prevention bureau for plan review and approval before actual construction of:
 - (i) a new building or addition;
 - (ii) a building undergoing a change of occupancy that requires substantial modification; or
 - (iii) a part of a building that has sustained damage from fire, explosion, or other cause.
- (2) Plans for a building undergoing alterations, renovations, or remodeling that do not require submission under paragraph (1) of this subsection shall be submitted for review of maintenance of proper egress and fire protection features.
- (3)
 - (i) The county fire prevention bureau shall conduct a plan review to ensure compliance with the fire prevention code of the county.
 - (ii) The municipal fire prevention bureau shall conduct a plan review to ensure compliance with the fire prevention code of the municipal corporation.
- (4) The fee for each plan review shall be submitted with the plans.

[An. Code 1957, art. 23A, § 6(b)(1)(i), (iii), (iv), (b)(2)-(8); art. 24, §§ 5-101(a), (d), (e), 5-102 - 5-107; 2003, ch. 5, § 2.]

SUBTITLE 8. FIRE INSPECTIONS BY FIRE DEPARTMENTS OF COUNTIES AND MUNICIPAL CORPORATIONS

§ 9-801. Definitions.

(a) In general.- In this subtitle the following words have the meanings indicated.

Revisor's Note.

This subsection is new language added as the standard introductory language to a definition section.

(b) Combustible material.- "Combustible material" includes waste paper, rags, shavings, waste, leather, rubber, crates, boxes, barrels, rubbish, or other material that is or may become dangerous as a fire menace.

Revisor's Note.

This subsection is new language derived without substantive change from the first sentence of former Art. 48, § 181(a), as it related to the description of what is considered combustible material.

(c) Fire official.- "Fire official" means:

- (1) a member of a board of fire commissioners of a municipal corporation of the State;
- (2) a chief or assistant to the chief of a fire department of a municipal corporation of the State;
- (3) an officer or member of a fire department of a municipal corporation of the State acting under the direction of the board of fire commissioners or fire chief; or
- (4) a chief, chief engineer, captain, or lieutenant of a volunteer fire company, fire district, or any other organization created for the purpose of and engaged in the work of extinguishing fires in an unincorporated town, municipal corporation, or county of the State.

Revisor's Note.

This subsection is new language derived without substantive change from the first sentence of former Art. 48, § 181(a), as it related to the entities that are authorized to conduct inspections.

In items (1), (2), and (3) of this subsection, the reference to a "municipal corporation" of the State is substituted for the former reference to "each of the cities" of the State for clarity and to conform to Md. Constitution, Art. XI-E.

[An. Code 1957, art. 48, § 181(a); 2003, ch. 5, § 2.]

§ 9-802. Scope of subtitle.

This subtitle does not apply to Baltimore County.

[2003, ch. 5, § 2.]

§ 9-803. Fire inspections authorized.

(a) In general.-

- (1) A fire official may inspect a building, structure, or other place under the jurisdiction of the fire official, except the interior of a private dwelling, where combustible material has been allowed to accumulate or where the fire official has reason to believe that

combustible material has accumulated or may be accumulated.

(2) At any time and without liability for trespass, a fire official:

- (i) may enter, at the fire official's own risk, a building, including a private dwelling, or on premises where a fire is burning, or where there is reasonable cause to believe a fire is burning, to extinguish the fire;
- (ii) may enter, at the fire official's own risk, a building, including a private dwelling, or on premises near the scene of a fire to protect the building or premises or to extinguish the fire;
- (iii) when responding to or operating at a fire or other emergency:
 - 1. may order an individual to leave a building or place in the vicinity of the fire or other emergency to protect the individual from injury;
 - 2. may order, after consultation with the senior railroad or transportation official present, a convoy, caravan, or train of vehicles, craft, or railway cars to be detached or uncoupled if the fire official determines that to do so is in the interest of safety of individuals or property; and
 - 3. may enter a building that is in danger of the spread of fire to prevent a potential emergency, including an explosion, in the building; and
- (iv) to maintain order in the vicinity of a fire or other emergency:
 - 1. may direct the actions of firefighters at the fire or other emergency;
 - 2. may keep bystanders or other individuals at a safe distance from the fire or other emergency and from fire equipment;
 - 3. may facilitate the speedy movement and operation of fire-fighting equipment and firefighters; and
 - 4. until the arrival of sufficient police officers, may direct traffic personally or have a subordinate do so to facilitate the movement of traffic.

(b) Obstructing rescue squads prohibited.- Notwithstanding subsection (a) of this section, a fire official may not inhibit or obstruct members of rescue squads from performing their duties in the vicinity of a fire or other emergency.

[An. Code 1957, art. 48, § 181(a); 2003, ch. 5, § 2.]

§ 9-804. Notice to occupant to remove combustible material.

(a) In general.- A fire official shall give written notice to the occupant of premises where combustible material has accumulated to remove the combustible material from the premises within 48 hours after receipt of the notice, if after an inspection made under this subtitle, the fire official determines that the accumulation of combustible material increases the danger of fire to:

- (1) the premises where the combustible material has accumulated; or
- (2) adjacent property.

(b) Removal by fire official at occupant's expense.-

- (1) If the combustible material is not removed from the premises within 48 hours after receipt of a notice under subsection (a) of this section, the fire official may:

- (i) remove the combustible material from the premises;
 - (ii) send a bill to the occupant of the premises for the cost of the removal; and
 - (iii) certify the cost of the removal to the treasurer of the jurisdiction.
- (2) If the cost of the removal is not paid to the treasurer within 30 days after receipt of the bill, the jurisdiction may bring a civil action against the occupant to recover the cost.

(c) Refusal to comply with notice.-

- (1) A person may not refuse or neglect to remove combustible material within 48 hours after receipt of a notice under subsection (a) of this section.
- (2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine of not less than \$5 and not exceeding \$50 for each violation.

[An. Code 1957, art. 48, §§ 181(b), (c), 183; 2003, ch. 5, § 2.]

§ 9-805. Hindering, obstructing, or refusing to allow fire inspection.

(a) Prohibited.- A person may not hinder, obstruct, or refuse to allow a fire inspection under this subtitle.

(b) Penalty.- A person who violates this section is guilty of a misdemeanor and on conviction is subject for each violation to imprisonment not exceeding 30 days or a fine not less than \$10 and not exceeding \$100.

[An. Code 1957, art. 48, § 182; 2003, ch. 5, § 2.]

SUBTITLE 9. FIRE SPRINKLER CONTRACTORS

§ 9-901. "Fire sprinkler contractor" defined.

In this subtitle, "fire sprinkler contractor" means a person who designs, installs, inspects, tests, repairs, or modifies a fire sprinkler system.

[2003, ch. 5, § 2.]

§ 9-902. Program to license fire sprinkler contractors.

(a) Required.- The State Fire Prevention Commission shall adopt regulations to establish a program to license and regulate fire sprinkler contractors in the State.

(b) Duties of State Fire Prevention Commission.- The State Fire Prevention Commission shall adopt regulations to:

- (1) define fire sprinkler contractor;
- (2) define fire sprinkler system, in a manner that does not conflict with § 12-101(l), (m), or (n) of the Business Occupations and Professions Article;
- (3) designate and identify exemptions to the regulations;
- (4) establish requirements for licensure including professional and technical standards and requirements for liability insurance;
- (5) establish a schedule of fees for licenses that will recover but not exceed the direct and indirect costs associated with the issuance of the licenses; and
- (6) establish procedures for the State Fire Marshal to deny, suspend, or revoke the license of a person who fails to comply with any regulation adopted by the State Fire Prevention Commission under this subtitle.

[An. Code 1957, art. 38A, § 3(f)(2), (3); 2003, ch. 5, § 2.]

§ 9-903. Fire sprinkler contractor license required.

(a) In general.- Except as provided in subsection (b) of this section, a person may not provide services as a fire sprinkler contractor in the State unless the person:

- (1) is licensed by the State Fire Marshal; or
- (2) is a contractor of a person who is licensed by the State Fire Marshal.

(b) Exceptions.- This subtitle does not prohibit:

- (1) inspections and tests of fire sprinkler systems by insurance representatives if the representatives are acting in the performance of their assigned duties;
- (2) inspections, tests, and repairs of fire sprinkler systems by full-time maintenance employees of a property owner if the employees:
 - (i) are knowledgeable about fire sprinkler systems; and
 - (ii) are acting in the performance of their assigned duties for the property owner;
- (3) inspections, tests, plan review, and ensuring the maintenance of fire sprinkler systems, emergency maintenance activity on fire sprinkler systems, or restoration to active service of operating or recently operated fire sprinkler systems by members of State, county, municipal, career, or volunteer fire departments, or authorities with jurisdiction if the members are acting in their capacity as members of the fire departments or authorities;
- (4) installation of limited area fire sprinkler systems or emergency temporary repairs on fire sprinkler systems performed by master plumbers if the plumbers are acting in accordance with regulations adopted by the State Fire Prevention Commission; or
- (5) inspections, tests, preparation of design and specification documents, hydraulic calculations, layout, and plan review of fire sprinkler systems by Maryland professional engineers if the engineers are knowledgeable about fire sprinkler systems.

[An. Code 1957, art. 38A, § 3(f)(4), (g); 2003, ch. 5, § 2.]

§ 9-904. Duties of State Fire Marshal.

The State Fire Marshal shall:

- (1) issue fire sprinkler contractors licenses;
- (2) collect license fees established by the State Fire Prevention Commission;
- (3) keep records of all fees collected under this subtitle;
- (4) pay all money collected under this subtitle into the General Fund; and
- (5) investigate complaints related to violations of this subtitle.

[An. Code 1957, art. 38A, § 8(o); 2003, ch. 5, § 2.]

§ 9-905. Violation of subtitle.

(a) Prohibited.- A person may not knowingly violate this subtitle.

(b) Penalty.- A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 days or a fine not exceeding \$1,000 or both.

[An. Code 1957, art. 38A, § 13(a); 2003, ch. 5, § 2.]

SUBTITLE 10. MISCELLANEOUS PROVISIONS

§ 9-1001. Restrictions on use of barbecue grill.

(a) Definitions.-

- (1) In this section the following words have the meanings indicated.
- (2) "Barbecue grill" means equipment used for outdoor cooking that uses as its heat source electricity or the burning of charcoal, liquid propane gas, or other fuel.
- (3)
 - (i) "Residential dwelling" means a building or part of a building that provides living or sleeping facilities for one or more individuals.
 - (ii) "Residential dwelling" includes a multifamily residential dwelling, hotel, motel, boardinghouse, lodging house, rooming house, inn, club, or dormitory.
 - (iii) "Residential dwelling" does not include:
 1. a single family residential dwelling; or
 2. a multifamily residential dwelling in which the individual dwelling units are arranged in a row, side by side, and not constructed above each other.

(b) In general.- In Charles County and Wicomico County, a person may not use a barbecue grill:

- (1) on a balcony of a residential dwelling; and
- (2) within 20 feet of any part, including a balcony, of a residential dwelling.

(c) Penalties.- A person who violates this section is subject to the penalties of § 6-601 of this article.

[An. Code 1957, art. 38A, § 67; 2003, ch. 5, § 2.]
